

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BROADCAST MUSIC, INC., et al.

Plaintiffs,

v.

SEVEN ARCH, INC., d/b/a BRAVE NEW WORLD
and ROBERT BYNUM, individually,

Defendants.

CIVIL ACTION

NO. 02-cv-3829

**DEFENDANTS SEVEN ARCH, INC.
AND ROBERT BYNUM'S ANSWER AND
NEW MATTER TO PLAINTIFFS' COMPLAINT**

Defendants Seven Arch, Inc. d/b/a Brave New World and Robert Bynum (collectively "Defendants"), by and through their undersigned attorney, respond to Plaintiffs' Complaint as follows:

JURISDICTION AND VENUE

1. Admitted.
2. Admitted.

THE PARTIES

3. Denied. Defendants are without information sufficient to form a belief as to the truth of the matters contained in paragraph 3 of Plaintiffs' Complaint and, therefore, deny the same.

4. Denied. Defendants are without information sufficient to form a belief as to the truth of the matters contained in paragraph 4 of Plaintiffs' Complaint and, therefore, deny the same.

5. Admitted in part. Denied in part. Defendants admit that Seven Arch, Inc. is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania. Defendants deny the remaining averments contained in paragraph 5 of Plaintiffs' Complaint.

6. Admitted in part. Denied in part. Defendants admit that Defendant Robert Bynum is an officer of Defendant Seven Arch, Inc. Defendants deny the remaining averments contained in paragraph 6 of Plaintiffs' Complaint.

7. Denied.

CLAIMS OF COPYRIGHT INFRINGEMENT

8. Defendants incorporate by reference paragraphs 1 through 7 as though fully set forth herein.

9. Denied. Defendants deny the averments contained in paragraph 9 of Plaintiffs' Complaint as conclusions of law.

10. Denied.

11. Denied. Defendants are without information sufficient to form a belief as to the truth of the matters contained in paragraph 11 of Plaintiffs' Complaint and, therefore, deny the same.

12. Denied. Defendants are without information sufficient to form a belief as to the truth of the matters contained in paragraph 12 of Plaintiffs' Complaint and, therefore, deny the same.

13. Denied. Defendants are without information sufficient to form a belief as to the truth of the matters contained in paragraph 13 of Plaintiffs' Complaint and, therefore, deny the same.

14. Denied.

15. Denied.

16. Denied.

WHEREFORE, Defendants request that this Court enter judgment in their favor and against Plaintiffs, together with other such relief, including costs and attorneys' fees, as the Court deems just and proper.

AFFIRMATIVE DEFENSES

17. Defendants incorporate by reference paragraphs 1 through 16 as though fully set forth herein.

18. Plaintiffs have failed to state a claim upon which relief may be granted.

19. Plaintiffs' claims are barred by the applicable statute of limitations.

20. Defendants did not publicly perform the copyrighted works.

21. If Defendants publicly performed, or caused the public performance of, compositions owned by Plaintiffs, which they deny, they did so pursuant to the Fair Use Doctrine of the Copyright Act, 17 U.S.C. Section 110.

22. If Defendants publicly performed, or caused the public performance of, compositions owned by Plaintiffs, which they deny, they did so without knowledge that their actions violated the Copyright Act, 17 U.S.C. Sections 101 et seq.

23. If Defendants publicly performed, or caused the public performance of, compositions owned by Plaintiffs, which they deny, their actions were not intentional or willful.

24. If Plaintiffs sustained injuries, damages and/or losses as alleged in their Complaint, the same were caused by other entities or parties over which Defendants had no control.

Respectfully submitted,
**LAW OFFICES OF
LANCE DAVID LEWIS, ESQUIRE**

Dated: September 13, 2002

s/ Lance David Lewis
Lance David Lewis
PA I.D. No. 80791
101 N. Easton Road, Suite 202
Glenside, PA 19038
Attorney for Defendants
Seven Arch, Inc. d/b/a
Brave New World and
Robert Bynum, individually.

CERTIFICATE OF SERVICE

I, Lance David Lewis, hereby certify that I have caused to be served a true and correct copy of Defendants' Answer and New Matter to Plaintiffs' Complaint upon the following counsel:

FIRST CLASS MAIL

Stanley H. Cohen, Esquire
Caesar, Rivise, Bernstein, Cohen &
Pokotilow, LTD.
1635 Market Street
Seven Penn Center, 12th Floor
Philadelphia, PA 19103

Further, Defendants' Answer and New Matter to Plaintiffs' Complaint has been filed electronically and is available for viewing and downloading from the ECF system.

**LAW OFFICES OF
LANCE DAVID LEWIS, ESQUIRE**

Dated: September 13, 2002

s/ Lance David Lewis
Lance David Lewis
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101 N. Easton Road, Suite 202
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